

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

JOSE A. HERNANDEZ ORTIZ

Debtor(s)

Case No.: 10-11575 BKT

Chapter 13

TRUSTEE'S OBJECTION TO EXEMPTION(S)

TO THE HONORABLE COURT:

COMES NOW Alejandro Oliveras Rivera, Chapter 13 Trustee, through the undersigned attorney, and very respectfully states, alleges and prays as follows:

INTRODUCTION

1. Pursuant to Federal Bankruptcy Rule 4003(b), the trustee is hereto objecting to debtor(s) claim for exemptions as set forth below. In so objecting, the trustee has considered the value of the properties subject of exemption as well as the liens on this property¹.

2. The meeting of creditors concluded on January 14, 2011. Subsequently, debtor filed an Amended Schedule "C" on March 3, 2011. **Dkt.21**

**TRUSTEE'S OBJECTION OVER CLAIM FOR EXEMPTION UNDER
11 USC §522(d)(1)**

3. The captioned Debtor(s) listed in Schedule A the estate property that is described as follows:

**PROPERTY LOCATED AT S29 CALLE 44 ALTURAS DE
BUCARABONES, TOA ALTA PR**

¹ The amount of the debts secured by the properties in question was obtained from the proof of claim, if one was filed, or, in its absence, from the scheduled amount.

Valued at: \$120,000

4. The captioned Debtor(s) claimed exemption pursuant to **§522(d) (1)** in the amount of \$20,000 over the above mentioned property of the estate. The trustee objects to the above claim for exemptions for the reasons stated below.

5. As grounds for the foregoing objection, the Trustee submits that:

(X) The claimed amount of \$20,000 exceeds the amount allowed under **§522(d) (1)** in the amount of \$3,814, considering the value of the property and the amount owed for the mortgage loan as per Proof of Claim #2 filed by creditor Firstbank [\$120,000-103,813.90]. In view of the above, the trustee submits that debtor's exemption over the above mentioned property under Section 522(d)(1) should be allowed up to the amount of \$16,186 and denied as to the remaining amounts claimed in excess.

WHEREFORE the Trustee respectfully prays that an order be entered denying the debtor (s) claim for exemption(s) as set out above.

RESPECTFULLY SUBMITTED.

NOTICE Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party in interest whom this document has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this document with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the document will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the Court may - in its discretion - schedule a hearing. 9013-1(h)(1).

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail. I further certify that the foregoing document has been served to the U.S. Trustee at ustregion21.hr.ecf@usdoj.gov and by depositing true and correct copies

thereof in the United States Mail, postage prepaid, to debtor(s) and
debtor(s) attorney to their address of record.

In San Juan, Puerto Rico, this 24TH day of March, 2011.

ALEJANDRO OLIVERAS RIVERA

CHAPTER 13 TRUSTEE

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By: **/s/MIRIAM D. SALWEN ACOSTA**

MIRIAM D. SALWEN ACOSTA

Staff Attorney

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